

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

IN THE MATTER OF:)	No. B-07-81358 C-13D
Linda G. Rogers)	
)	
)	
Debtor(s))	

ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY

On March 11, 2010, a hearing was held on Motion by DaimlerChrysler Financial Services, LLC (“Movant”) pursuant to 11 U.S.C. §362 to modify the automatic stay entered in this case to permit the Movant to accept insurance proceeds available with respect to the Debtor’s 2001 Jeep (“the automobile”), which was involved in a collision and declared a total loss. At the hearing, Edward C. Boltz, Esq. appeared on behalf of the Debtor, and Benjamin E. Lovell, Esq. appeared on behalf of the Standing Trustee and stated to the Court he had been informed by counsel that all matters in controversy had been settled. The Court, after considering the Motion and having heard and considered the statements of counsel and the attorney for the Trustee, finds that the interests of the Movant are not adequately protected and that the Motions should be granted; therefore, by and with the consent of the parties, it is ORDERED:

1. The Motion of the Movant for relief from the automatic stay pursuant to 11 U.S.C. §362, is granted.
2. The automatic stay under 11 U.S.C. §362 is modified to permit the Movant to accept insurance proceeds in the approximate amount of \$3,432.56 directly from the insurance carrier. The balance of the insurance proceeds shall be forwarded to the Trustee’s Office to be held pending further Orders of the Court.
3. Upon receipt of the insurance proceeds, the Movant shall release it’s lien on the automobile and forward the certificate of title directly to the insurance carrier.
4. The Movant is allowed 120 days from the entry of this Order within which to amend its unsecured claim with the Chapter 13 Office for any deficiency realized on the automobile and failure to file an amended unsecured claim within said time will result in the release of the automobile being in full satisfaction of the secured portion of the Movant’s claim and the Debtor’s liability.

PARTIES IN INTEREST

Page 1 of 1
07-81358 C-13D

Linda G. Rogers
1112 Chalmers St.
Durham, NC 27707

John T. Orcutt, Esq.
6616-203 Six Forks Rd.
Raleigh, NC 27615

Richard M. Hutson, II
Standing Trustee
PO Box 3613
Durham, NC 27702

Jacob C. Zweig, Esq.
88 Union Ave., Ste. 700
Memphis, TN 38103

DaimlerChrysler Services, NA
PO Box 9001897
Louisville, KY 40290-1897